

EXHIBIT 1

From: webpublishing@hq.dhs.gov
To: ice-foia@dhs.gov
Subject: Form submission from: DHS FOIA / Privacy Act Request Submission Form
Date: Wednesday, October 18, 2017 12:34:05 AM

Submitted on Wednesday, October 18, 2017 - 00:34

Submitted by user: Anonymous

Submitted values are:

Select the DHS component you wish to submit your request to: : U.S.

Immigration and Customs Enforcement (ICE)

Title: Dr.

First Name: Angelina

Middle Initial:

Last Name: Godoy

Suffix:

Email Address: agodoy@uw.edu

Country: United States

Address 1: Box 353650

Address 2:

City: Seattle

State: Washington

Zip Code: 98915-3650

Telephone Number: 2066163585

Fax Number:

Are you requesting records on yourself? No

If yes, you must check the perjury statement:

By initialing here you are providing your electronic signature.:

Please describe the records you are seeking as clearly and precisely as possible:

We request copies of Form I-213 ("Record of Deportable/Inadmissible Alien") created on or after January 1, 2012, for:

a. Each individual detained or taken into custody by staff from ICE's Seattle field office;

b. Each individual transferred to the custody of staff from ICE's Seattle field office by CBP, or by state or local law enforcement officials.

This includes, but is not limited to, all Form I-213's issued for which the Method of Location/Apprehension is coded OA ("Other Agency") and/or the Narrative section mentions a state or local law enforcement agency.

I am willing to pay fees for this request up to the amount of: \$: 25

Select from the list below: Affiliate with an educational or non commercial scientific institution seeking information for a scholarly or scientific purpose and not for commercial use.

I request a waiver of all fees for this request.: I request a waiver of all fees for this request.

Please provide an explanation for your request for a fee waiver: As an educational institution serving the public interest, the University of Washington Center for Human Rights is entitled to a reduction or waiver of fees. This request is made as part of a scholarly research project, the results of which are intended for publication and not for commercial use. For details of our research and public interest activities, please visit our website at humanrights.washington.edu.

Please select and describe in detail if you believe your request warrants expeditious handling: An urgency to inform the public concerning actual or alleged Federal Government activity exists (This option available only for

PERSONS ENGAGED IN DISSEMINATING INFORMATION).

Please provide information to support your selection: We are engaged in research and the broad public dissemination of research findings on human rights issues that relate to matters of contemporary policy. There is great concern about federal government activity and its impacts on the civil liberties of communities in our state; we are making this request as part of an effort to inform the public about those activities and intend to publish all our findings in scholarly journals, on our website and social media, and to share findings with members of the public in presentations.

EXHIBIT 2

Email Details

From:	ice-foia@dhs.gov
To:	agodoy@uw.edu
Cc:	
Bcc:	
Subject:	ICE FOIA Request 2018-ICFO-14208
Date Sent:	1/8/2018 1:08:24 PM
Body:	<p style="text-align: right;">January 08, 2018</p> <p>VIA EMAIL agodoy@uw.edu</p> <p>Angelina Godoy University of Washington Box 353650 Seattle, WA 98195-3650</p> <p>RE: ICE FOIA Case Number 2018-ICFO-14208</p> <p>Dear Dr. Godoy:</p> <p>This acknowledges receipt of your October 18, 2017, Freedom of Information Act (FOIA) request to U.S. Immigration and Customs Enforcement (ICE), for copies of Form I-213 ("Record of Deportable/Inadmissible Alien") created on or after January 1, 2012, for: a. Each individual detained or taken into custody by staff from ICE's Seattle field office (see request for details). Your request was received in this office on October 18, 2017.</p> <p>Please be advised that DHS regulations require, in the case of third party information requests, a statement from the individual verifying his or her identity and certifying that individual's agreement that records concerning him or her may be accessed, analyzed and released to a third party. See 6 C.F.R. § 5.21(f). Because you have not provided this documentation with your request, we are unable to initiate a search for responsive records. The attached form must be completed and signed by each individual whose records you are requesting in order for us to move forward with your request (return via email ICE-FOIA@ice.dhs.gov).</p> <p>Please provide the requested documentation within 14 days from the date of this letter, or we will assume you are no longer interested in this FOIA/PA request, and the case will be administratively closed.</p> <p>This is not a denial of your request. Upon receipt of a perfected request, you will be advised as to the status of your request.</p> <p>Your request has been assigned reference number 2018-ICFO-14208. Please refer to this identifier in any future correspondence. To check the status of an ICE FOIA/PA request, please visit http://www.dhs.gov/foia-status. Please note that to check the status of a request, you must enter the 2018-ICFO-XXXXX tracking number. If you need any further assistance or would like to discuss any aspect of your request, please contact the FOIA office. You may send an e-mail to ice-foia@ice.dhs.gov, call toll free (866) 633-1182, or you may contact our FOIA Public Liaison, Fernando Pineiro, in the same manner. Additionally, you have a right to right to seek dispute resolution services from the Office of Government Information Services (OGIS) which mediates disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. If you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974. You may contact OGIS as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi</p>

Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Regards,

ICE FOIA Office
Immigration and Customs Enforcement
Freedom of Information Act Office
500 12th Street, S.W., Stop 5009
Washington, D.C. 20536-5009
Telephone: 1-866-633-1182
Visit our FOIA website at www.ice.gov/foia

ATTACHED: 3RD PARTY CONSENT FORM

EXHIBIT 3

Freedom of Information Act Office

U.S. Department of Homeland Security
500 12th St SW, Stop 5009
Washington, DC 20536



**U.S. Immigration
and Customs
Enforcement**

2018-ICFO-14208

AFFIRMATION/DECLARATION

This is to affirm that

I, _____,
(PRINT FULL NAME)

request access to records maintained by the Immigration and Customs
Enforcement which pertain to me. My present address is:

my date of birth is: _____, and

my place of birth was: _____.

I understand that any knowingly or willfully seeking or obtaining access to records about
another person under false pretenses is punishable by a fine of up to \$5,000. I also
understand that any applicable fees must be paid by me.

I hereby authorize _____ access to my records.
(PRINT FULL NAME)

I request that any located and disclosable records be forwarded to the following individual:

_____ at the following address:
(PRINT FULL NAME)

I hereby declare or certify under penalty of perjury that the foregoing is true and correct.

Executed on _____
(DATE)

(SIGNATURE OF AFFIRMANT/DECLARANT).

PLEASE RETURN TO: U.S. Department of Homeland Security
Immigration and Customs Enforcement
500 12th Street, SW, Stop 5009, Washington, DC 20536-5009
Via Facsimile: 202-732-4265;
Via email: ice-foia@dhs.gov

EXHIBIT 4

From: [Angelina Snodgrass Godoy](#)
To: [ICE-FOIA](#)
Cc: [UW Center for Human Rights](#)
Subject: Clarification re ICE FOIA Case Number 2018-ICFO-14208
Date: Tuesday, January 16, 2018 8:24:33 PM

Clarification, as requested

RE: ICE FOIA Case Number 2018-ICFO-14208

This letter constitutes a clarification, as requested, of a FOIA request originally received by your office from the University of Washington Center for Human Rights (UWCHR) on 18 October 2017; the ICE case number is 2018-ICFO-14208. The original request was for copies of Form I-213 (“Record of Deportable/Inadmissible Alien”) created on or after January 1, 2012, for:

- a. Each individual detained or taken into custody by staff from ICE's Seattle field office;
- b. Each individual transferred to the custody of staff from ICE's Seattle field office by CBP, or by state or local law enforcement officials.

The UWCHR received an email from ICE dated 8 January 2018 stating that “DHS regulations require, in the case of third party information requests, a statement from the individual verifying his or her identity and certifying that individual's agreement that records concerning him or her may be accessed, analyzed and released to a third party, and requiring that we provide signed consent forms for each person whose records would be included in such a collection.

First and foremost, the UWCHR appreciates your consideration of our request; however, we appeal your determination that these records cannot be provided without signed consent forms from all affected parties. We appeal this on the following grounds:

- 1) There is a high level of public interest;
- 2) Courts have compelled the release of similar information in related cases;

1) There is a high level of public interest in the content of these documents

The release of these documents is in the public interest. In recent years, and particularly recent months, concern has grown about ensuring respect for civil liberties and due process rights in the context of immigration enforcement. A growing cascade of journalistic inquiries have probed government practices, and in many localities around the country, city and county councils and state legislatures have formulated policies in an attempt to ensure that rights are upheld.

Our Center for Human Rights is a public research institute, established by statute (<http://app.leg.wa.gov/RCW/default.aspx?cite=28B.20.478>) in the state of Washington to inform the public and policymakers about human rights issues, including particularly those of greatest concern to the communities of the state of Washington. In order to carry out our legally mandated task of informing the public on such matters, we require access to government documents necessary to understand what measures are being taken to protect the liberties of all residents of our state.

In this context, copies of Form I-213 (“Record of Deportable/Inadmissible Alien”) constitutes

a critical tool for understanding the impact of immigration enforcement in our state. For this reason, past petitioners have been granted access to Forms I-213 on a much larger scale. For example, in 2014, requester Jasper Craven requested and received Form I-213s filed nationwide since 2001, a collection of documents which had already been previously released by ICE to the New York Times. These documents were released without the petitioner having provided signed consent forms.

Numerous court decisions, furthermore, have upheld the importance of releasing I-213 forms in the public interest (See *Unidad Latina en Accion v. US Department of Homeland Security*, 253 F.R.D. 44,51 (D. Conn 2008); *Shciller v. Immigration and Naturalization Services*, 205 F. Supp. 2d 648, 664 (W.D. Tex. 2002); *Buffalo Evening News* 791 F. Supp. at 400).

2) Federal courts have compelled ICE to release I-213 documents with names unredacted

Furthermore, in cases where ICE has resisted releasing I-213 Forms, or where it has insisted on only providing redacted versions, the courts have compelled the Agency to release the information sought. For example, citing the importance of informing the public about the policies and practices of our government's agencies charged with immigration enforcement, the US First Circuit Court of Appeals ruled in favor of the New Hampshire media organization Union Leader in 2014, compelling ICE to release I-213s sought by the organization as part of its research on immigration enforcement. The Court considered arguments referenced in the statute cited by ICE in its communication to us (6 C.F.R. § 5.21(f)) that the release of this information raised privacy concerns for those whose information was contained in the documents, but ultimately considered the public interest in disclosure, and the requirement that researchers have access to the full information required to conduct their research to outweigh individual privacy rights concerns. Moreover, cognizant of the privacy rights implications but committed to public disclosure, **the Court ordered ICE to release the information without redacting individuals' names, although it indicated that addresses and other personally identifying information could be redacted.** (See *Union Leader Corporation v. U.S.*

Department of Homeland Security Immigration and Customs Enforcement^[1])

For purposes of our request, we do not object to the redaction of addresses, social security numbers, or other personally-identifiable information **not including individuals' names**. The individuals' names are already listed in public court records.

We appreciate your consideration of this appeal and we look forward to your timely response. If you have any questions or concerns, please call us at (206) 616-3585 or e-mail us at chrfoia@uw.edu.

Sincerely,

Angelina Godoy

^[1] The full text of the Court’s decision is available [here:https://www.gpo.gov/fdsys/pkg/USCOURTS-ca1-13-01752/pdf/USCOURTS-ca1-13-01752-0.pdf](https://www.gpo.gov/fdsys/pkg/USCOURTS-ca1-13-01752/pdf/USCOURTS-ca1-13-01752-0.pdf)

Angelina Snodgrass Godoy
Helen H. Jackson Chair in Human Rights
Director, Center for Human Rights
University of Washington
Box 353650
Seattle, WA 98195-3650
<http://humanrights.washington.edu>

EXHIBIT 5

Office of Information Governance and Privacy

U.S. Department of Homeland Security
500 12th St., SW
Washington, D.C. 20536



U.S. Immigration
and Customs
Enforcement

March 26, 2018

Angelina Godoy
University of Washington
Box 353650

Seattle, WA 98195-3650

RE: ICE FOIA Case Number 2018-ICFO-14208

Dear Dr. Godoy:

This letter is the final response to your Freedom of Information Act (FOIA) request to U.S. Immigration and Customs Enforcement (ICE), dated October 18, 2017. You have requested copies of the following records:

request copies of Form I-213 ("Record of Deportable/Inadmissible Alien") created on or after January 1, 2012, for: a. Each individual detained or taken into custody by staff from ICE's Seattle field office (see request for details)

ICE has considered your request under both the FOIA, 5 U.S.C. § 552, and the Privacy Act, 5 U.S.C. § 552a. Information about an individual that is maintained in a Privacy Act system of records may be accessed by that individual¹ unless the agency has exempted the system of records from the access provisions of the Privacy Act.²

ICE has conducted a search of the ICE Enforcement and Removal Operations for records responsive to your request and no records responsive to your request were found.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552(c) (2006 & Supp. IV (2010)). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist

While an adequate search was conducted, you have the right to appeal this determination that no records exist within the Office of Enforcement and Removal Operations that would be

¹ 5 U.S.C. § 552a(d)(1).

² 5 U.S.C. §§ 552a(d)(5), (j), and (k).

responsive to your request. Should you wish to do so, you must send your appeal and a copy of this letter, within 90 days of the date of this letter following the procedures outlined in the DHS FOIA regulations at 6 C.F.R. Part 5 § 5.8., to:

U.S. Immigration and Customs Enforcement
Office of the Principal Legal Advisor
U.S. Department of Homeland Security
500 12th Street, S.W., Mail Stop 5900
Washington, D.C. 20536-5900

Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS regulations are available at www.dhs.gov/foia.

Provisions of FOIA allow DHS to charge for processing fees, up to \$25, unless you seek a waiver of fees. In this instance, because the cost is below the \$25 minimum, there is no charge.

If you need any further assistance or would like to discuss any aspect of your request, please contact the FOIA office and refer to FOIA case number **2018-ICFO-14208**. You may send an e-mail to ice-foia@ice.dhs.gov, call toll free (866) 633-1182, or you may contact our FOIA Public Liaison, Fernando Pineiro, in the same manner. Additionally, you have a right to right to seek dispute resolution services from the Office of Government Information Services (OGIS) which mediates disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. If you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974. You may contact OGIS as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,

A handwritten signature in black ink, appearing to read "Catrina M. Pavlik-Keenan", with a stylized flourish at the end.

Catrina M. Pavlik-Keenan
FOIA Officer

EXHIBIT 6

University of Washington
Center for Human Rights
Box 353650
Seattle, WA 98195

FREEDOM OF INFORMATION ACT APPEAL

May 14, 2018

Ms. Catrina M. Pavlik-Keenan
FOIA Officer
U.S. Immigration and Customs Enforcement
Washington, DC 20536

RE: ICE FOIA Case No.: 2018-ICFO-14208
UWCHR Case No.: ICE0010

Dear Ms. Pavlik-Keenan:

This letter constitutes an administrative appeal under the Freedom of Information Act, 5 U.S.C. Sec. 552, of the determination by the U.S. Immigration and Customs Enforcement on a FOIA request filed by our organization on October 18, 2017, requesting documents regarding "*copies of Form I-213 ("Record of Deportable/Inadmissible Alien") created on or after January 1, 2012, for: Each individual detained or taken into custody by staff from ICE's Seattle field office.*" We were informed by letter on March 26, 2018 that U.S. Immigration and Customs Enforcement does not possess any records responsive to our request. It was also brought to our attention by the attached response, that under the three categories of law enforcement and national security records which were excluded by Congress, ICE is not required to provide the requested records. Furthermore, the response further states that in accordance to the Privacy Act, the information requested through the FOIA request can only be requested by the individual itself. [Please refer to attached response letter].

It is our intention to appeal ICE's decision to not acknowledge the existence of any other records responsive to our request, addressing the following:

- Improper Use of the FOIA Statutory Exclusion Provisions (See 5 U.S.C. § 552(c) (2006 & Supp. IV (2010))
- Improper Use of the Privacy Act
- High level of public interest of human rights information.

As an academic center dedicated to research in the public interest on topics of human rights concern, it is important that we examine records of our federal authorities' immigration enforcement operations to formulate knowledge on government practices and share this with the general public and our elected policymakers. Indeed, we are legally mandated to do so. Our Center for Human Rights is a public research institute, established by statute (<http://app.leg.wa.gov/RCW/default.aspx?cite=28B.20.478>) in the state of Washington to inform the public and policymakers about human rights issues, including particularly those of greatest concern to the communities of the state of Washington. In order to carry out our legally mandated task of informing the public on such matters, we require access to government documents necessary to understand how immigration enforcement is being carried out in our state.

I appreciate your consideration of this appeal and I look forward to your response. If you have any questions or concerns, please contact me chrfoia@uw.edu. Thank you.

Sincerely,

Angelina Godoy
Director, Center for Human Rights

Office of Information Governance and Privacy

U.S. Department of Homeland Security
500 12th St., SW
Washington, D.C. 20536



U.S. Immigration
and Customs
Enforcement

March 26, 2018

Angelina Godoy
University of Washington
Box 353650

Seattle, WA 98195-3650

RE: ICE FOIA Case Number 2018-ICFO-14208

Dear Dr. Godoy:

This letter is the final response to your Freedom of Information Act (FOIA) request to U.S. Immigration and Customs Enforcement (ICE), dated October 18, 2017. You have requested copies of the following records:

request copies of Form I-213 ("Record of Deportable/Inadmissible Alien") created on or after January 1, 2012, for: a. Each individual detained or taken into custody by staff from ICE's Seattle field office (see request for details)

ICE has considered your request under both the FOIA, 5 U.S.C. § 552, and the Privacy Act, 5 U.S.C. § 552a. Information about an individual that is maintained in a Privacy Act system of records may be accessed by that individual¹ unless the agency has exempted the system of records from the access provisions of the Privacy Act.²

ICE has conducted a search of the ICE Enforcement and Removal Operations for records responsive to your request and no records responsive to your request were found.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552(c) (2006 & Supp. IV (2010)). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist

While an adequate search was conducted, you have the right to appeal this determination that no records exist within the Office of Enforcement and Removal Operations that would be

¹ 5 U.S.C. § 552a(d)(1).

² 5 U.S.C. §§ 552a(d)(5), (j), and (k).

responsive to your request. Should you wish to do so, you must send your appeal and a copy of this letter, within 90 days of the date of this letter following the procedures outlined in the DHS FOIA regulations at 6 C.F.R. Part 5 § 5.8., to:

U.S. Immigration and Customs Enforcement
Office of the Principal Legal Advisor
U.S. Department of Homeland Security
500 12th Street, S.W., Mail Stop 5900
Washington, D.C. 20536-5900

Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS regulations are available at www.dhs.gov/foia.

Provisions of FOIA allow DHS to charge for processing fees, up to \$25, unless you seek a waiver of fees. In this instance, because the cost is below the \$25 minimum, there is no charge.

If you need any further assistance or would like to discuss any aspect of your request, please contact the FOIA office and refer to FOIA case number **2018-ICFO-14208**. You may send an e-mail to ice-foia@ice.dhs.gov, call toll free (866) 633-1182, or you may contact our FOIA Public Liaison, Fernando Pineiro, in the same manner. Additionally, you have a right to seek dispute resolution services from the Office of Government Information Services (OGIS) which mediates disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. If you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974. You may contact OGIS as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,

A handwritten signature in black ink, appearing to read "Catrina M. Pavlik-Keenan", with a stylized flourish at the end.

Catrina M. Pavlik-Keenan
FOIA Officer



University of Washington Center for Human Rights

Henry M. Jackson School of International Studies
Box 353650
Seattle, WA 98195-3650
(206) 616-3585
<http://jsis.washington.edu/humanrights>

April 4, 2017

To Whom it May Concern,

This letter includes information requested in order to clarify the University of Washington Center for Human Rights (UWCHR)'s status as an educational institution. As part of the University of Washington, a state institution of higher education, the UWCHR serves the public interest through its furtherance of human rights related research, its collaboration with community partners and policymakers, and its commitment to academic excellence in the education of undergraduate and graduate students in the field of human rights. The UWCHR does not operate for commercial purposes.

We are currently engaged in a project seeking to inform the broader public about human rights concerns relating to immigration enforcement in Washington State. Our work with government documents relating to this topic will be shared with the public through our publications, including our website and print publications.

For more information on the UWCHR, please do not hesitate to contact me via e-mail at agodoy@uw.edu or by phone at 206.616.3585. You can also find more information regarding the UWCHR on our website: <http://jsis.washington.edu/humanrights/>.

Thank you for your consideration.

Sincerely

A handwritten signature in black ink, appearing to read "Angelina Godoy".

Angelina Godoy
Director

Angelina Snodgrass Godoy, Director
Helen H. Jackson Chair in Human Rights
(206) 616-3585; agodoy@uw.edu



UW Center for

Quality Assurance
University of Washington
Box 358620 2018
Seattle, WA 98195-3650
CRDSMAIL # 2

MAY 23 2018

PRIVACY OFFICE

Human Rights
School of International Studies

FIRST CLASS

U.S. POSTAGE >> PITNEY BOWES

98195 ZIP 98195 \$ 000.68
02 1W
0001394029 MAY 16 2018

Privacy Office, Attn: FOIA Appeals
US Department of Homeland Security
245 Murray Lane, SW,
Mail Stop 0655,
WASHINGTON, D.C. 20528-0655

FOIA APPEAL

205280655

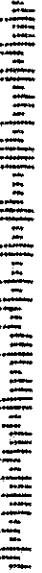


EXHIBIT 7

U.S. Department of Homeland Security
500 12th Street, SW; STOP 5009
Washington, DC 20536-5009



U.S. Immigration
and Customs
Enforcement

June 25, 2018

Angelina Godoy
University of Washington
Box 353650
Seattle, WA 98195-3650

RE: FOIA Appeal 2018-ICAP-00299, 2018-ICFO-14208

Dear Ms. Godoy:

This is in response to your appeal letter dated May 14, 2018, appealing U.S. Immigration and Customs Enforcement's (ICE) response to your Freedom of Information Act (FOIA) request. Your FOIA Request dated October 18, 2017, requested copies of Form I-213 ("Record of Deportable/Inadmissible Alien") created on or after January 1, 2012, for records pertaining to each individual detained or taken into custody by staff from ICE's Seattle field office; and each individual transferred to the custody of staff from ICE's Seattle field office by CBP, or by state or local law enforcement officials.

By letter, dated March 26, 2018, ICE FOIA advised you that "ICE has conducted a search of the ICE Office of Enforcement and Removal Operations (ERO) for records responsive to your request and no records responsive to your request were found." You appealed the adequacy of the search.

Upon a complete review of the administrative record, ICE FOIA, on January 8, 2018, in response to your FOIA Request, requested a consent form for each person included in the requested data collection because I-213 forms are located in individual A-Files. Because the A-File records are third party records, they cannot be disclosed to third party requesters without a waiver authorizing the release. 6 CFR § 5.10(a)(2). In its final rule on FOIA Regulations, DHS explains that it applies a balancing test to determine whether the personal privacy interests of the individual outweigh the public interest in disclosure of such records, which may result in a denial of access to third party requests that are not accompanied with proper signed authorization. 81 FR 83628 (Nov. 22, 2016). In your case, we find that your "high level of public interest" statement provided in your letter, dated January 16, 2018, was not sufficient to override the personal privacy interests of each alien A-File that falls within the scope of your request.

In the addition, assuming that your public interest statement was sufficient to override the privacy interests of each alien within the scope of your FOIA Request, your request is overly burdensome and voluminous. It requires an extraordinary amount of ICE resources to gather all I-213 forms created on or after January 1, 2012 within the Seattle Field Office, as the forms are not stored electronically. FOIA does not require an agency to undertake a search that is so broad so as to be

unduly burdensome. *See, e.g., Dale v. Internal Revenue Serv.*, 238 F. Supp.2d 99, 104 (D.D.C. 2002).

For the above stated reasons, ICE affirms the determination of the ICE FOIA Office.

To the extent that you are willing to work with the ICE to narrow your request, such that the records sought can become reasonably described, and your request can no longer be overly burdensome, ICE invites such communication between yourself and the ICE FOIA Office. You may contact ICE contact at ice-foia@dhs.gov.

This decision is the final action of ICE concerning your FOIA request. Inasmuch as you consider this to be a denial of your appeal, you may obtain judicial review of this decision pursuant to the provisions of 5 U.S.C. § 552(a)(4)(B) in the United States District Court in the district in which you reside or have a principal place of business, or in which the agency records are situated, or in the District of Columbia.

The Office of Government Information Services (OGIS) also mediates disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. If you wish to contact OGIS, you may email them at ogis@nara.gov or call 1-877-684-6448.

Should you have any questions regarding this appeal closure, please contact ICE. In the subject line of the email please include the word “appeal,” your appeal number, which is **2018-ICAP-00299**, and the FOIA case number, which is **2018-ICFO-14208**.

Sincerely,

Ali Kargbo

for

Erin Clifford
Chief
Government Information Law Division
ICE Office of the Principal Legal Advisor
U.S. Department of Homeland Security